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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,994	09/17/2003	Serge Hethuin	4590-217	1977
33308	7590	06/16/2006	EXAMINER	
LOWE HAUPTMAN GILMAN & BERNER, LLP 1700 DIAGNOSTIC ROAD, SUITE 300 ALEXANDRIA, VA 22314			CHAN, RICHARD	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/663,994	HETHUIN ET AL.
	Examiner Richard Chan	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/28/04 &amp; 9/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show wherein a user is equipped with one or more directional antennas, positioned either on the torso on the user's clothing and integral with the direction of the torso, or on the arm or on a pack that has a handle and is pointed in the direction that is to be exposed as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7, 8, 11, 12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Shober (US 5,952,922).

With respect to claim 1, Shober discloses the device Fig.2 for non-selective identification in a communications network comprising several users, the data being exchanged in the form of frames, wherein: at least each user has a data processor 200 responsible for the management of the voice, data and video services, a user who is a master or group leader 103 is equipped with a radio terminal, one or more directional antennas 204 and 206, shown in detail in Fig. 6 and a processor activated in "master" mode, several users  $U_i$  are each equipped with a radio terminal 105, one or more directional antennas and a processor placed in "slave" mode, a data frame 1110 comprises a "non-selective" identification device comprising at least one first part reserved for interrogation by one of the users and a second part enabling users concerned by the response to respond. (Col.13 lines 34-50)

With respect to claim 2, Shober discloses the device according to claim 1, wherein the user's processor in slave mode comprises, for example, a random or pseudo-random selection algorithm. (Col.14 lines 14-17)

With respect to claim 3, Shober discloses the device according to one of the claims 1, wherein the radio access protocol in the communications network may be any protocol whatsoever. (Col. 14 lines 10-12)

With respect to claim 7, Shober discloses the use of a device according to claim 1, in a communications network where at least one data frame in the TDMA format (Col.15 lines 13-16), the non selective identification device being positioned between the packets of the uplink channel and the RCH access channel. (Col.14 lines 22-26)

With respect to claim 8, Shober discloses the method of non-selective use in a communications network comprising several users, the exchanged data taking the form of a frame 1110, wherein the method comprises at least the following steps: designating a "group leader" user 103, designating at least one user who is an interrogator 103 or is authorized to interrogate in one or more frames in a given direction (directional antenna) 204 or 206, synchronizing the interrogating user with the start of the interrogation phase in the frame, making use, according to the concerned mode, of a random or pseudo-random selection algorithm (Col.14 lines 14-17) to compute the instant of response from the non-interrogating users 105 in the frame.

With respect to claim 9, Shober discloses the method according to claim 8 wherein, during the passage into the interrogation phase, the terminal of the interrogating user may or may not reduce its power.

With respect to claim 11, Shober discloses the method according to claim 8, wherein there is a mode of interrogation without designation in which all the users receiving the interrogation signal respond to each frame of the interrogation cycle of the same interrogating user. (Col.14 lines 27-33)

With respect to claim 12, Shober discloses the method according to claim 8 wherein there is a mode of interrogation without designation in which all the users receiving the interrogation signal respond once by giving their identity and then stop responding in the rest of the interrogation cycle of the same interrogating user. (Col.7 line 65-Col.8 line 21)

With respect to claim 15, Shober discloses the method according to claim 8, wherein there is an interrogation mode with exclusion in which all the users receiving the interrogation signal, except for the excluded terminal, must respond in giving their identity. (Col.14 line 54- Col.15 line 6)

With respect to claim 16, Shober discloses the method according to claim 8, wherein there is an interrogation mode with relay in which the interrogation is

transmitted by a relay terminal, designated in the interrogation signal of the interrogator terminal and in which all the users receiving the interrogation signal from the relay terminal must respond. (Col.14 line 54- Col.15 line 6)

With respect to claim 17, Shober discloses the device according to claim 2, wherein the radio access protocol in the communications network may be any protocol whatsoever. (Col. 14 lines 10-12)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 10,13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shober (US 5,952,922) in view of Lau (US 5,592,173).

With respect to claim 4, Shober discloses the device according to claim 1, however Shober does not specifically disclose wherein a user is equipped with one or more directional antennas, positioned either on the torso or on the user's clothing and integral with the direction of the torso, or on the arm or on a pack that has a handle and is pointed in the direction that is to be exposed.

The Lau reference however discloses a handheld GPA satellite communicator, which comprises an antenna which is capable of being positioned on the arm or contain a handle and be pointed in the direction that is to be exposed. (Col.2 lines 10-13)

It would have been obvious to one of ordinary skill in the art to implement a handheld communication apparatus as disclosed by Lau with the device in the communication network disclosed by Shober.

With respect to claim 5, Shober discloses the device according to claim 1, however Shober does not specifically disclose wherein the users are equipped with a power limiter.

The Lau reference however discloses wherein a power limiter 60 is implemented to control the power of the system in order to conserve power. (Col.7 lines 15-22)

With respect to claim 6, Shober and Lau combined discloses the device according to claim 5, Lau further discloses a system comprising means adapted to adjusting the power sent out, while Shober discloses the interrogator.

It would have been obvious to one of ordinary skill in the art to implement a power adjuster to control the output power used to operate the interrogator in order to manage the power consumption levels of the interrogator.

With respect to claim 10, Shober discloses the method according to claim 9, however Shober does not specifically disclose wherein the power reduction is gradual.

The Lau reference discloses a power controller 60 which varies the power level output of the system, the power reduction inherently gradually reduces if commanded to power down.

With respect to claim 13, Shober discloses the method according to claim 8, however Shober does not specifically disclose wherein there is a mode of interrogation with designation in which only the user terminal addressed responds if it receives the interrogation signal and communicates its GPS position in the response.

The Lau reference however discloses a method wherein a GPS signal is communicated with the position of the communication device. (Col.5 line 63- Col.6 line 3)

With respect to claim 14, Shober discloses the method according to claim 8, however Shober does not disclose wherein there is a mode of interrogation with designation in which only the addressed user terminal responds if it receives the interrogation signal and sends a predefined signal to enable the interrogator to measure the distance between them and determine the direction in which the terminal addressed is located.

However the Lau reference discloses a dead reckoning module 20 within the GPS device that is able to measure distance.

It would have been obvious to one of ordinary skill in the art to implement the distance measuring method as disclosed by Lau with the communication network as

disclosed by Shober in order to calculate distances between two separate terminals within the communication system.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Carrender reference (US 7,009,515) discloses a frequency hopping RFID system.

The Ertin reference (US 6,995,655) discloses a method of simultaneously reading multiple radio frequency tags, RF tags, and RF reader.

The Emmerling reference (US 6,867,686) discloses a functional monitoring system, in particular access control system, and method for functional control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chan whose telephone number is (571) 272-0570. The examiner can normally be reached on Mon - Fri (9AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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6/5/06

  
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SUPERVISORY PATENT EXAMINER